



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 11, 2020

Mark X. Mullin

United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

TODD MEAGHER

Debtor.

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§
§

Chapter 11

Case No. 20-40208-mxm11

**ORDER GRANTING IN PART AND DENYING IN PART
HEB'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY
TO PROCEED WITH PRE-PETITION CLAIMS FOR INJUNCTIVE RELIEF**

Upon *HEB Grocery Company, LP's Motion for Relief from the Automatic Stay to Proceed with Pre-Petition Claims for Injunctive Relief* [Docket No. 22] (the "*Motion*")¹ filed by HEB Grocery Company, LP ("*HEB*") seeking relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed with certain pre-petition claims for injunctive relief; and this Court having jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G); and the

¹ Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Motion.

Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that proper and adequate notice of the Motion and hearing thereon has been given and that no other or further notice is necessary; and the Court having found that good and sufficient cause exists for granting, in part, and denying, in part, the relief requested in the Motion after having given due deliberation upon the Motion and all of the proceedings had before the Court in connection with the Motion, it is **HEREBY ORDERED THAT:**

1. The Motion is **GRANTED**, in part.
2. The automatic stay is hereby modified pursuant to section 362(d) of the Bankruptcy Code to allow the United States District Court for the Southern District of Texas (Houston Division) (the “*Southern District Court*”) (a) to rule on any summary judgment motions that are currently pending before the Southern District Court in the Southern District Litigation (Case No. 4:17-cv-02810); and (b) to enter a final judgment in the Southern District Litigation if the Southern District Court’s ruling on summary judgment motions enables the Southern District Court to do so.
3. HEB and the Debtor have stipulated that motions pending before the Southern District Court include:
 - a. Defendants’ Motions for Judicial Notice (July 12, 2018, Dkt. 56; Aug. 1, 2018, Dkt. 58; Feb. 11, 2019, Dkt. 154);
 - b. Irene Alexis Meagher’s Partial Motion for Summary and Declaratory Judgment (March 6, 2019, Dkt. 179);
 - c. MyStore, Inc.’s Partial Motion for Summary and Declaratory Judgment (March 7, 2019, Dkt. 180);

- d. Todd Meagher's Partial Motion for Summary and Declaratory Judgment (March 12, 2019, Dkt. 184);
- e. Todd Meagher's Supplementation of the Summary Judgment Record (November 14, 2019, Dkt. 257);
- f. HEB's Motion for Summary Judgment (February 22, 2019, Dkt. 167 and 168); and,
- g. HEB's Motion to Strike Affirmative Defenses (Sept. 21, 2018, Dkt. 80).

4. If the Southern District Court's ruling on summary judgment motions does not result in a final judgment in the Southern District Litigation consistent with this Order, the parties may seek any and all forms of other or further relief as necessary from this Court, including, without limitation, further modification of the automatic stay to permit further proceedings in the Southern District Court.

5. The Motion is **DENIED** as to all other relief requested in the Motion, without prejudice.

END OF ORDER

Submitted by:

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